

ESTTA Tracking number: **ESTTA507437**

Filing date: **11/26/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055081
Party	Defendant Alliance of Professionals & Consultants, Inc.
Correspondence Address	MARICIA MOYE ROSEBORO 8200 BROWNLEIGH DRIVE RALEIGH, NC 27617 UNITED STATES mmoye@apc-services.com
Submission	Other Motions/Papers
Filer's Name	Maricia Roseboro
Filer's e-mail	mroseboro@apc-services.com, mmoye@apc-services.com
Signature	/mariciaroseboro/
Date	11/26/2012
Attachments	Reply to Petitioner Response to Responden Motion Involving Discovery Conference.pdf (3 pages)(89845 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,974,726

Registered June 7, 2011

Mark: OSCAR

ACADEMY OF MOTION PICTURE)	
ARTS AND SCIENCES,)	Cancellation No. 92055081
)	
Petitioner,)	
)	<u>RESPONDENT'S REPLY TO PETITIONER'S</u>
)	<u>RESPONSE TO RESPONDENT'S MOTION TO</u>
)	<u>REQUEST PARTICIPATION BY INTERLOCUTORY</u>
ALLIANCE OF PROFESSIONALS &)	<u>BOARD ATTORNEY OR ADMINISTRATIVE</u>
CONSULTANTS, INC.)	<u>LAW JUDGE IN DISCOVERY CONFERENCE</u>
)	
Respondent.)	

TO THE COMMISSIONER FOR TRADEMARKS:

NOW COMES Respondent, Alliance of Professionals & Consultants, Inc. ("APCand replies to Petitioner's response to Respondent's Motion to Request Participation by Interlocutory Board Attorney or Administrative Law Judge in Discovery Conference.

STANDARD OF REVIEW

1. APC does not seek to change the discovery schedule of the Trademark Trial and Appeal Board in any way.
2. APC agrees that the discovery conference deadline shall be enforced as November 27, 2012 as scheduled.
3. APC's motion to request participation by an interlocutory attorney or an administrative law judge was served on November 15, 2012 by first class on Respondent pursuant to 37 CFR

CFR §2.119.

4. Petitioner, on the other hand, only sent APC an email on the morning of Thanksgiving, November 22, 2012, from an email address not previously sent to APC's counsel, as the parties have never mutually agreed to receive service of papers by email. The email address from Petitioner forwarded Petitioner's Response to APC's Motion to Request Participation by an Interlocutory Attorney or an Administrative Law Judge, and further inquired about holding a discovery conference without offering specific dates or times.
5. APC's counsel received and read the above-referenced email from Petitioner's counsel on Monday, November 26, and received the first class mail related to the Petitioner's reply on Monday, November 27.
6. Given the latent timing of the request from Petitioner's counsel, APC has sent a response agreeing to a 4 p.m. E.S.T. discovery conference given that Petitioner set no time-frame in the email for the discovery conference, but stated that Petitioner is "generally available" on Monday, November 26 and Tuesday, November 27.
7. APC looks forward to Petitioner's response, as well as moving forward with this case on the remaining claims following the Board's dismissal of the Petitioner's dilution by blurring claim on September 27, 2012.

This the 26th day of November 2012.

By: /mariciaroseboro/
Maricia Moye Roseboro
8200 Brownleigh Drive
Raleigh, North Carolina 27617
Telephone: 919-510-9696
Fax: 919-510-9668
Attorney for Respondent Alliance of Professionals
& Consultants, Inc.

CERTIFICATE OF SERVICE

I certify that on the 26th day of November 2012, I caused a true copy of the attached Respondent's Reply to Petitioner's Response to Respondent's Motion to Request Participation by a Board Interlocutory Attorney or Administrative Trademark Attorney in Discovery Conference to be served on the attorneys for the Academy of Motion Picture Arts and Sciences via Electronic Transmission and First Class Mail at the following address:

Quinn Emanuel Urquhart & Sullivan, LLP
Claudia T. Bogdanos
Ulana Holubec
51 Madison Avenue, 22nd Floor
New York, NY 10010

Quinn Emanuel Urquhart & Sullivan, LLC
David W. Quinto
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543

This the 26th day of November 2012.

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